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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Gibraltar

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Spain and that available in public sources, including those of the territorial Government. Information was transmitted by the administering Power on 10 January 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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I. General

1. Gibraltar is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. According to the administering Power, the basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory; sovereignty over Gibraltar was ceded to the United Kingdom by Spain under the Treaty of Utrecht in 1713, with territorial waters flowing from sovereignty over the land. For its part, Spain claims that, under article 10 of the Treaty, it ceded only the city and castle of Gibraltar, its port, defences and fortresses. Against the backdrop of its long-standing appeal to Spain and the United Kingdom to hold talks on the question of Gibraltar (see resolution 2070 (XX), adopted on 16 December 1965), in 2014, the General Assembly, in its decision 69/523, among other things, urged the Governments of Spain and the United Kingdom, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question, in the light of the relevant resolutions of the Assembly and applicable principles, and in the spirit of the Charter of the United Nations (see sects. VIII and IX below).

2. The Territory is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus approximately 1.6 km long. The Spanish port of Algeciras lies 8 km across the bay to the west, and the continent of Africa is situated 32 km across the Strait of Gibraltar to the south. According to the administering Power, the area of Gibraltar is 5.8 km^2; according to Spain, which claims sovereignty over the Territory, it is 4.8 km^2. Issues relating to the isthmus and waters off Gibraltar continue to be a subject of contention.

3. According to the administering Power, in 2013 the population of the Territory was approximately 32,700. The currency of the Territory is the Gibraltar pound, circulating at par with the pound sterling. The Territory's main trading and commercial transactions are with European countries, the United States of America and North African countries. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

II. Constitutional, legal and political issues

4. Under the Gibraltar Constitution Order 2006, the Government of Gibraltar consists of the elected ministers represented in the Council of Ministers and the Governor, who represents the British Crown. Lieutenant General Sir James Benjamin Dutton has been the Governor since December 2013. In accordance with the 2006 Constitution, the Governor is responsible for the conduct of external affairs, defence, internal security (including the police, in conjunction with the Gibraltar Police Authority) and for certain appointments to public office as conferred on him by it. According to the administering Power, the elected Government of Gibraltar has full control over all other matters. Following an election, the Governor, at his own discretion, appoints as Chief Minister the elected member of the Parliament who, in his judgement, is most likely to command the greatest measure of confidence of his peers. Other ministers are appointed by the Governor, acting in accordance with the advice of the Chief Minister, from among the elected members of the Parliament. Under the 2006 Constitution, the British

Crown retains legislative power to make laws from time to time for the peace, order and good government of Gibraltar. The 2006 Constitution also makes provisions regarding Crown lands in Gibraltar.

5. Gibraltar has a supreme court allowing for appeals to a court of appeal and subsequently to Her Majesty in Council, acting on the advice of the Judicial Committee of the Privy Council.

6. As previously reported, the Gibraltar Socialist Labour Party/Gibraltar Liberal Party alliance headed by Fabian Picardo won the general elections held on 8 December 2011 with approximately 49 per cent of the votes, winning 10 seats in the Parliament, against 47 per cent for the Gibraltar Social Democrats, who won the remaining 7 seats. The next election is expected to be held in 2015.

7. The 2006 Constitution recognizes that, without prejudice to the administering Power's ultimate responsibility for Gibraltar's compliance with European Union law, matters which under the 2006 Constitution are the responsibility of the elected ministers shall not cease to be so even though they arise in the context of the European Union. In June 2004, after a legal and political campaign to exercise the right to vote in European elections, Gibraltarians took part in European parliamentary elections for the first time, which was achieved by the creation of a new electoral region, for the purposes of the European parliamentary elections only, consisting of Gibraltar and the south-west region of England (the "combined region") by the administering Power. Gibraltarians again took part in European parliamentary elections in June 2009 and May 2014.

8. The administering Power, the United Kingdom, continues to believe that, as a separate Territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoys the individual and collective rights accorded by the Charter. The United Kingdom also believes that the people of Gibraltar enjoy the right of self-determination. The administering Power is clear that the 2006 Constitution sets out the relevant competences for the Governments of the United Kingdom and Gibraltar.

9. For its part, the Government of Spain maintains the position that the 2006 Constitution does not affect the international capacity of Gibraltar; that its adoption was a reform of the colonial regime, which remains unaltered; and that it did not affect in any way the pending decolonization process of Gibraltar, to which the principle of territorial integrity applies, not that of self-determination. In this context, the Government of Spain stresses that the participation of Gibraltar in any international instrument must be made through the United Kingdom as the administering Power responsible for the international relations of the Territory, including in the fields of international financial services, human rights and the environment.

III. Budget

10. According to information provided by the administering Power, as at March 2014 the revenue of the territorial Government was £544.8 million and its expenditure stood at approximately £409.6 million. The territorial Government approved £120.3 million in expenditure on capital projects for 2014-2015, to be funded through the Improvement and Development Fund. The highest possible rate

of effective personal tax in Gibraltar is 30 per cent, with the company tax rate at 10 per cent. According to the administering Power, Gibraltar adheres to all relevant European Union directives in relation to financial supervision and regulation, direct taxation and the fight against money-laundering. Since October 2013, the European Commission has been carrying out an investigation into Gibraltar's tax regime, following the complaints from Spain that, inter alia, Gibraltar's tax system, through its Income Tax Act 2010, constituted State aid, which was incompatible with the regulations of the European Union.

IV. Economic conditions

A. General

11. Gibraltar has no known natural resources and lacks agricultural land. The economy has increasingly focused on tourism and the provision of financial services, including banking, insurance, shipping and portfolio management, in addition to online gaming. According to information provided by the administering Power, the gross domestic product of Gibraltar grew to approximately £1.412 billion in 2013-2014, with an estimated gross domestic product per capita of £43,100.

12. Before 1980, the economy was largely dependent on expenditure by the Ministry of Defence of the United Kingdom. According to the administering Power, the situation changed dramatically over the years as United Kingdom military spending went from accounting for 60 per cent of the Gibraltarian economy to accounting for less than 6 per cent. According to the administering Power, in 2013, the Ministry employed some 600 people out of a workforce of about 23,000.

B. Trade

13. In 2013, according to the administering Power, the Territory's total imports amounted to approximately £2.174 billion. Some 29 per cent of non-fuel imports originate from the United Kingdom, with other sources including Germany, the Netherlands and Spain. The Territory's total exports for 2013 were approximately £1.727 billion. Exports continued to be mainly re-exports of petroleum and petroleum products supplied to shipping.

14. In this connection, the Government of Spain has repeatedly denounced the alarming rate of supplies of fuel taken at sea from tanks on ships from Gibraltar (a process known as "bunkering") as a serious environmental hazard in such a transited area as the Strait of Gibraltar.

15. For its part, the Government of the United Kingdom maintains its position that the bunkering industry in Gibraltar is a well-regulated and legal commercial activity that meets the marine pollution regulations of the International Maritime Organization and has a strong environmental record. In July 2014, the European Commission's Directorate-General for the Environment ruled that following environmental complaints received from Spain concerning the artificial reef, bunkering activity and land reclamation in Gibraltar, it was unable to identify any breach of European Union environmental legislation.

16. Spain states that it continues to seek actions by the European Commission by providing documents regarding violations of Spanish and European Union laws in the waters adjacent to Gibraltar, which are, in its view, Spanish waters. Furthermore, Spain maintains that its actions before the European Commission to guarantee strict compliance with European Union law do not prejudge or alter the position of Spain concerning sovereignty over waters adjacent to Gibraltar.

C. Banking and financial services

17. According to the administering Power, Gibraltar has a well-developed private financial sector that is regulated by the Financial Services Commission. The regulatory scope extends to all forms of financial services and Gibraltar's legislation, systems and administrative practices, which, in the view of the administering Power, are in full compliance with its European Union obligations, have been independently tested by reviews by the Financial Action Task Force, the International Monetary Fund and others. Gibraltar is also participating in the Financial Action Task Force national risk assessment and peer review process.

18. Tax evasion is a predicate offence for money-laundering and subject to suspicious transaction reporting. Gibraltar's Financial Intelligence Unit, as a member of the Egmont Group, shares information systematically with other members of the Group. Gibraltar has also entered into the equivalent of 125 tax information exchange agreements with some 77 countries and territories. It has also entered into Foreign Account Tax Compliance Act agreements on automatic exchange of information with the United Kingdom and the United States. Furthermore, in 2014, following the peer review by the Global Forum on Transparency and Exchange of Information for Tax Purposes, which focuses on the implementation of the internationally agreed standards of transparency and exchange of information in tax areas, Gibraltar received an overall rating of "largely compliant". According to the administering Power, Gibraltar has also committed to adopting the Common Reporting Standard of the Organization for Economic Cooperation and Development (OECD) for the automatic exchange of tax information. Spain, on the other hand, considers that there was reason to believe that money-laundering from Gibraltar had been committed, referring to the report of the European Anti-Fraud Office of the European Commission issued in July 2014 (see also para. 35 below).

D. Transportation

19. Enhancements to road transportation arrangements in and out of Gibraltar were agreed upon at talks held in Córdoba, Spain, in 2006. They included the introduction at the fence/frontier of lanes in both directions, and red and green channels for both people and vehicles. Proportionate customs and police checks remain necessary, given that Gibraltar does not belong to the European Union Customs Union. Moreover, the United Kingdom (and thus Gibraltar) does not belong to the Schengen area for external border control purposes. In the view of the administering Power, since 26 July 2013, the Government of Spain has imposed disproportionate and time-consuming checks at the border between Gibraltar and Spain.

20. The European Commission has dispatched two technical fact-finding missions to La Linea de la Concepción and Gibraltar, in September 2013 and July 2014. The Commission issued recommendations to the authorities of the United Kingdom and Spain following its two missions.

21. Spain stresses that the checks at the fence are in no manner politically motivated and are carried out only to ensure strict compliance with Spanish and European Union legislation, in accordance with the principles of randomness, proportionality and non-discrimination. The checks are essential for Spain to fulfil its obligations vis-à-vis the whole of the European Union and are especially necessary taking into account that in the area illicit trafficking of different sorts is common and that Gibraltar is neither in the Schengen area nor in the European Union Customs Union. Moreover, Spain underlines that the police and customs checkpoint at La Linea de la Concepción (the fence) does not correspond to the demarcation of the border recognized by Spain in accordance with the Treaty of Utrecht. There remain, sporadically, delays to vehicular and pedestrian traffic at the fence. Spain further stresses that it fully complies with the recommendations by the European Commission regarding the management at the fence of the flow of persons, vehicles and goods by, for instance, improving traffic control and custom systems in order to achieve greater effectiveness in combating smuggling and more fluid traffic at the fence and by introducing a new system for crossing for accredited cross-border workers on either side of the fence in order to improve their living conditions.

22. The United Kingdom continues to be responsible for all international obligations relating to aviation safety and security in respect of the airport, a military airfield available for civilian flights, with the Ministry of Defence retaining ownership of and operational responsibility for the military aviation aspects of the airfield. According to the administering Power, legislation enacted by the Gibraltar Parliament provides for civil aviation safety and security, making civil aviation a responsibility of the Government of Gibraltar. Such responsibility continues to be rejected by Spain. Spain holds the position that the occupation by the United Kingdom of the isthmus on which the airfield was built is illegal and that it does not comply with public international law because it is not included among the areas ceded by the Treaty of Utrecht. For its part, the United Kingdom maintains that its sovereignty extends over the whole territory of Gibraltar.

23. The Strait of Gibraltar is a principal water route; the Territory's port facilities are used by many long-distance liners and cargo ships. According to the United Kingdom, it applies a three-nautical mile area for British Gibraltar territorial waters (or less where the median line with other territorial waters applies), in line with the United Nations Convention on the Law of the Sea. According to Spain, it exerts its sovereign rights and jurisdiction over its territorial waters, including all maritime areas around Gibraltar (with the only exception being its port facilities).

24. The administering Power regularly challenges Spanish State vessels and protests to the Government of Spain about illegal incursions into British Gibraltar territorial waters by Spanish State vessels, citing violations of articles 17 to 19 of the United Nations Convention on the Law of the Sea, on the meaning of innocent passage, and of the Convention on the International Regulations for Preventing Collisions at Sea.

25. For its part, Spain states that what the United Kingdom describes as "illegal incursions" by Spanish vessels are routine activities of its ships in Spanish waters.

E. Tourism

26. In 2013, the tourism sector recorded a decrease to almost 11 million visitors. Arrivals by land comprise mainly day visitors arriving from Spain; arrivals by air are primarily tourists from the United Kingdom; and arrivals by sea include visitors arriving by ferry from Morocco and on day trips from cruise ships.

V. Social conditions

A. Labour

27. According to the administering Power, as at October 2013, there were approximately 23,000 jobs in the Territory, including, from the largest industrial sectors, some 2,100 jobs in building and construction, more than 3,300 in banking and finance, more than 3,300 in gambling and betting and more than 3,200 in the retail and wholesale trade. The unemployment rate stood at 2.6 per cent of the workforce.

B. Social security and welfare

28. The social security and welfare sectors in Gibraltar continue to be governed by various social security acts, as mentioned in previous working papers, covering areas such as employment injury, disablement and industrial death benefits, maternity grants and allowances, death grants, old age pensions, survivor's benefits and guardian's allowances.

C. Public health

29. The Gibraltar Health Authority, a department of the territorial Government, is responsible for providing health care in the Territory. The territorial Government continues to deal with the needs of the elderly.

D. Education

30. Education in Gibraltar is free and compulsory for children between 4 and 15 years of age. The language of instruction is English. Public education comprises 11 primary and two secondary schools, in addition to the Gibraltar College of Further Education and the Vocational Training Centre, serving more than 5,000 students. The Territory's literacy rate is assumed to be nearly 100 per cent. According to the administering Power, the Government of Gibraltar has announced plans to establish a University of Gibraltar and has approved funding of £10 million towards this project.

31. Government expenditure on education during the year ending in March 2014 was almost £39 million, with expenditure on improving school buildings in the region of £2.4 million. Students who obtain a place at a university in the United Kingdom are entitled to scholarships from the Government of Gibraltar. According to the territorial Government, in 2013-2014, 823 students attended universities in the United Kingdom.

E. Crime and public safety

32. Law enforcement in the Territory is the responsibility of the Royal Gibraltar Police, in conjunction with the Gibraltar Police Authority. The Governor has overall, ultimate responsibility for the integrity, probity and independence of policing in Gibraltar and for the policing aspects of national security, including internal security.

33. According to the administering Power, the figures for overall recorded crime dropped by 4.5 per cent for the period 2013-2014 to approximately 3,530 (down from approximately 3,700 for the previous year). The administering Power indicates that this reduction is across all crime sectors, including serious crimes, drug-related crimes and traffic offences.

34. As previously reported, in 2012, a Gibraltar Police Authority survey identified tobacco smuggling as an issue to be addressed in police planning. According to figures provided by Spain, tobacco smuggling originating from the Territory increased by 213 per cent between 2010 and 2012, reaching in 2013 a total of almost 1 million packs of cigarettes. In 2014, the Government of Spain claimed that the United Kingdom failed to tackle a sharp rise in tobacco smuggling at the fence.

35. According to media and other sources, the European Anti-Fraud Office of the European Commission, in its above-mentioned July 2014 report, pointed out that, between 2010 and 2013, tobacco smuggling in the region might have cost the European Union up to approximately €700 million in tax revenue. It reportedly raised concerns about tobacco smuggling over the fence/frontier into an illicit market in southern Spain and the involvement of organized crime on both sides of the fence/frontier.

36. According to the administering Power, since the issuance of the report and following the second visit by the European Commission's fact-finding mission, in July 2014, as mentioned above, the European Commission has welcomed the steps taken by the Government of Gibraltar, including restricting the number of cigarettes allowed in the area around the land border to 200 per person. Furthermore, the Government of Gibraltar remains ready to work directly with its Spanish counterparts to tackle this complex issue. Spain, for its part, has stated that cooperation on the side of the British authorities in the fight against smuggling was, in its view, far from improving and holds its position that the lack of cooperation demands more intense checks, both in the water and at the fence, in the face of the increase in tobacco smuggling figures.

37. According to the administering Power, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, a convention under the auspices of OECD, has been extended to Gibraltar.

F. Human rights

38. The following major international human rights instruments apply in Gibraltar: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The 2006 Constitution of the Territory includes a chapter on the fundamental rights and freedoms of the individual. In October 2013, the Government of Gibraltar formally requested the extension of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory. According to the administering Power, the Government of Gibraltar has continued to work closely with United Kingdom counterparts to explore the extension of that Convention as well as the Convention on the Rights of the Child.

VI. Environment

39. In April 2014, the United Kingdom submitted its fifth national report to the Conference of the Parties to the Convention on Biological Diversity. The report contains information in respect of the overseas territories to which the Convention has been extended, namely the British Virgin Islands, the Cayman Islands, Gibraltar and Saint Helena, Ascension and Tristan da Cunha.

40. The Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas), Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands.

VII. Forum for Dialogue on Gibraltar

41. Negotiations between the United Kingdom and Spain on the subject of Gibraltar led in 2004 to the establishment of the trilateral Forum for Dialogue on Gibraltar. Since 2010, no meetings have been held. In 2012-2014, the United Kingdom expressed the desire to continue with the Forum and, as an alternative, offered an informal, ad hoc dialogue involving, as appropriate, all relevant parties to the issues under discussion. Spain expressed the position that the Forum no longer existed and should be replaced with a new "ad hoc" mechanism for local cooperation in the interest of social well-being and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar were represented. No ad hoc talks had been convened as at February 2015.

VIII. Future status of the Territory

A. Position of the administering Power

42. In a statement in exercise of the right of reply before the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, on 8 October 2014, the representative of the United Kingdom, the administering Power, inter alia, recalled that the United Kingdom had sovereignty over Gibraltar and the territorial waters surrounding it and that, as a separate Territory, Gibraltar enjoyed the individual and collective rights accorded by the Charter of the United Nations. The 2006 Gibraltar Constitution provided for a modern and mature relationship between Gibraltar and the United Kingdom, not one based on colonialism. The United Kingdom would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and would not enter into sovereignty negotiations which they opposed.

43. He went on to say that the United Kingdom and Gibraltar wished to continue to take part in the trilateral Forum for Dialogue, which was the most credible, constructive and practical means of strengthening relations between the United Kingdom, Gibraltar and Spain for the benefit of all parties. The United Kingdom regretted that Spain had withdrawn from those talks in 2011. However, following a proposal by the United Kingdom and Gibraltar to Spain in April 2012, his country noted a constructive move to ad hoc talks aimed at strengthening cooperation on issues of mutual importance through means which fully reflected the interests, rights and responsibilities of the people of Gibraltar.

44. In addition, the United Kingdom denied the allegations by Spain that it had illegally occupied the isthmus and the waters surrounding it. Pursuant to the United Nations Convention on the Law of the Sea, territorial waters flowed from sovereignty over the land. The United Kingdom was therefore assured of its sovereignty over British Gibraltar territorial waters. The United Kingdom would continue to uphold British sovereignty and would use a range of proportionate naval, police and diplomatic responses to incursions and other incidents.

45. He further stated that Gibraltar's fair and open tax system complied with all applicable European Union directives and regulations and met internationally agreed tax standards. It had entered into several tax- and information-sharing agreements with other States, but Spain had yet to reply to written proposals by Gibraltar for such cooperation. It should also be noted that while the European Commission had recognized Gibraltar's commitment to tackling cigarette smuggling over the Spain-Gibraltar border, it had raised concerns about Spain's lack of progress in addressing its recommendations. Gibraltar stood ready to work with its Spanish counterparts across the full range of law enforcement challenges, as cooperation and good neighbourly relations would benefit both parties. Creation of the reef was legal and was part of the government of Gibraltar's long-term marine environment management plan to improve fish stocks and regenerate habitat. The use of inert concrete blocks to create artificial reefs was consistent with international best practice and with Spain's own approach to artificial reefs (see A/C.4/69/SR.3).

B. Position of the territorial Government

46. On 8 October 2014, addressing the Fourth Committee, the Chief Minister of Gibraltar said, inter alia, that seeking only bilateral engagement with the administering Power, the United Kingdom, was an approach that went against the grain of modern politics and the principles of consent and self-determination that the Committee had been established to defend, and must therefore be rejected. He further stated that Gibraltarians would veto any such bilateral talks, for they themselves were the only relevant decision makers in determining the future of Gibraltar, regardless of any pending sovereignty claim.

47. He also stated that working on non-sovereignty issues through the established trilateral Forum for Dialogue would build new relationships of trust and confidence that would yield real human and economic value in the short, medium and long term. Gibraltar was committed to establishing a dialogue with the Spanish Government, because diplomacy and dialogue were the catalysts for lasting change and reconciliation of previously irreconcilable positions. Together with its United Kingdom counterparts, his Government had proposed ad hoc talks in parallel to the trilateral Forum.

48. He concluded that the desire for economic partnership and political reconciliation with Spain was clear and genuine, but that Gibraltar belonged to Gibraltarians (see A/C.4/69/SR.3).

C. Position of the Government of Spain

49. On 8 October 2014, in his statement made before the Fourth Committee, the representative of Spain, inter alia, recalled his country's long-standing position that the principle of territorial integrity applied to the question of Gibraltar, as the General Assembly had made clear in its relevant resolutions. In his view, attempts to perpetuate cases, like the one of Gibraltar, of "colonialism by consent", in disregard of United Nations principles, were unacceptable, as they aimed to maintain the situation at the expense of the legitimate rights of another State and of the original inhabitants of the colony. As the case of Gibraltar was different from that of most Non-Self-Governing Territories, so too were the solutions applicable to it. The 1713 Treaty of Utrecht was unquestionably still in force; as the United Kingdom had repeatedly admitted, that Treaty made Gibraltar's independence contingent on Spain's consent. The local Spanish population of Gibraltar had been forced to leave the territory in 1704, when the British occupation had begun. Under the Treaty, Spain had ceded to the British only the town and castle of Gibraltar, together with the port (with its internal waters only), fortifications and forts belonging thereto. Spain had never ceded territorial waters or the isthmus, which was illegally occupied by the United Kingdom.

50. The representative of Spain went on to say that, on the basis of historical and legal arguments pertaining to territorial integrity and the doctrine established by the United Nations and reiterated systematically by the Special Committee, the only solution was the restitution of both the territory transferred from Spain under the Treaty and the land later occupied illegally by the United Kingdom. The principle of self-determination valid for most colonized Territories did not apply in the case of Gibraltar because that was a right bestowed only on the original colonized

inhabitants, not on subsequently imposed settlers. The United Nations had called for a solution to be negotiated bilaterally between Spain and the United Kingdom in the framework of the 1984 Brussels Agreement. The interests of the people of Gibraltar must be taken into account, but in the negotiations with Spain, the United Kingdom was responsible for those interests as the administering Power.

51. Tensions between Spain and the colony had worsened since March 2012, when the authorities of Gibraltar had terminated the informal 1999 agreement with Spanish fishermen's associations. In the summer of 2013, some 70 concrete blocks had been sunk in waters Spain considered its own and work had continued to reclaim land in those waters as part of the policy to expand the Territory. Furthermore, statistics showed that the Gibraltarian authorities paid only lip service to helping combat all forms of illicit trafficking, particularly with regard to the increase in cigarette smuggling and associated money-laundering. Spain had consequently been forced to intensify its surveillance of the waters and its mandatory inspections at the fence, which did not violate European Union legislation, as corroborated in a report by the European Commission. The representative of Spain stated that the European Anti-Fraud Office had indicated, in a 2014 report, that it had found evidence that crimes of smuggling and money-laundering had been committed, affecting the financial and other interests of the European Union.

52. Spain would continue to support the decolonization process through peaceful and legitimate means and was willing to maintain good relations with the United Kingdom, on the basis of dialogue and regional cooperation, in the interests of the social well-being and economic development of the inhabitants of both Gibraltar and Campo de Gibraltar. The trilateral Forum for Dialogue, which had become simply a tool for advancing Gibraltar's claim to sovereignty, had ceased to exist. For there to be a political solution, the United Kingdom should restart the bilateral dialogue on issues of sovereignty, considering the particularities of the case.

53. Furthermore, in exercise of the right of reply to remarks made by the representative of the United Kingdom at the same meeting and on 10 October 2014, the representative of Spain reiterated the position of Spain regarding the areas ceded to the United Kingdom under the Treaty of Utrecht.

54. He went on to say that the isthmus had always been under Spanish sovereignty and that the mere continued occupation by the British did not meet the requirements of international law for the acquisition of sovereignty. The occupation of the isthmus was illegal and ran counter to international law. Spain rejected the reference made by the representative of the United Kingdom to illegal incursions in Gibraltarian waters; they were routine operations of Spanish vessels in Spanish waters and would therefore continue. Furthermore, concrete blocks with long hard spikes had no environmental purpose, but rather were intended to prevent Spanish fishing boats from operating in those waters, reflecting the confrontational approach of authorities in Gibraltar. Spain was, however, willing to negotiate with the United Kingdom the establishment of a new regional framework in which the United Kingdom and Spain, Gibraltarian authorities and Spanish local and regional authorities would all meet to deal exclusively with cooperation issues (see A/C.4/69/SR.3).

55. The representative of Spain maintained that the tripartite Forum for Dialogue no longer existed and therefore hoped that ad hoc cooperation between the United

Kingdom, Spain and Gibraltar would start in the near future so that progress in countering smuggling, money-laundering and environmental pollution could be made (see A/C.4/69/SR.5).

D. Negotiations between the United Kingdom and Spain

56. Within the framework of the Brussels Process, which is separate from the Forum for Dialogue, no bilateral negotiations were held in 2014. The United Kingdom has made it clear that no sovereignty-related talks can be entered into without the consent of Gibraltar, nor can it enter into a process of sovereignty negotiations with which Gibraltar is not content.

57. For its part, the Government of Spain continued to demand the renewal of bilateral sovereignty talks with the Government of the United Kingdom. It considers that the position of the United Kingdom goes against the doctrine established in the relevant General Assembly resolutions and against the commitment made with Spain in the Brussels Declaration of 1984.

E. Discussions between the United Kingdom and Gibraltar

58. The Governments of the United Kingdom and Gibraltar have both recognized that the current Constitution provides for a modern and mature constitutional relationship between the two sides, one which is not based on colonialism. Both Governments believe that the delisting and decolonization criteria of the United Nations are anachronistic, and recognize that, under Article 73 *e* of the Charter, the United Kingdom is obliged to continue to submit annual reports until such time as the General Assembly removes a Territory from its list of Non-Self-Governing Territories.

IX. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

59. A representative of Spain attended the Pacific regional seminar held in Fiji from 21 to 23 May 2014, and made a statement, as did a representative of Gibraltar[1] (see A/69/23). Concluding observations by the participants with regard to the situation in Gibraltar were included in A/69/23, annex II, in which the participating members, inter alia, recalled the need to put into practice the appeal made by the United Nations to Spain and the United Kingdom to hold talks on the question of Gibraltar in order to reach, in the spirit of the Brussels Declaration of 27 November 1984 and listening to the interests of the population of Gibraltar, a definitive and negotiated solution of the controversy in the light of the relevant resolutions of the General Assembly and the applicable principles, and in accordance with the spirit of the Charter of the United Nations.

[1] The full texts of the statements are available from www.un.org/en/decolonization/regsem2014.asp.

60. The Special Committee, which discussed the question of Gibraltar in a meeting held on 16 June 2014, had before it the 2014 working paper prepared by the Secretariat concerning the Territory (A/AC.109/2014/12). As reflected in the summary record of the meeting (A/AC.109/2014/SR.3), statements were made by the representative of Spain, the Chief Minister of Gibraltar and a civil society organization. On the proposal of the Chair, the Committee decided to resume the consideration of the question at its next session and to transmit the relevant documentation to the General Assembly in order to facilitate the consideration of the question by the Fourth Committee.

B. Special Political and Decolonization Committee (Fourth Committee)

61. The Fourth Committee of the General Assembly considered the question of Gibraltar on 8 October 2014. As reflected in the summary record of the third meeting, the Committee heard statements by the Chief Minister of Gibraltar and Spain. At the third and fifth meetings on 8 and 10 October 2014, the United Kingdom and Spain exercised the right of reply (see A/C.4/69/SR.3 and A/C.4/69/SR.5).

62. At its meeting on 23 October 2014, the Fourth Committee adopted without a vote a draft decision on the question of Gibraltar (A/C.4/69/L.5), which was submitted by the Chair of the Committee (see A/C.4/69/SR.13).

X. Action taken by the General Assembly

63. On 5 December 2014, the General Assembly, on the recommendation of the Fourth Committee, adopted, without a vote, decision 69/523, on the question of Gibraltar. In that decision:

> The General Assembly, recalling its decision 68/523 of 11 December 2013:
>
> (a) Urged the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;
>
> (b) Took note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue on Gibraltar;
>
> (c) Took note of the position of Spain that the Forum does not exist any longer and should be replaced with a new mechanism for local cooperation in the interest of social well-being and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar are represented;
>
> (d) Took note of efforts made by both parties to resolve current problems and to engage in a flexible and responsive form of dialogue between all relevant and appropriate parties, on an informal ad hoc basis, in order to find common solutions and make progress on issues of mutual benefit.

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Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 29 December 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Christina Scott (2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km^2. The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km^2.

Population: 15,700 (2013 estimate).

Life expectancy at birth: 81.2 years (male: 78.6 years, female: 83.9 years (2014 estimate)).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Hubert B. Hughes (February 2010).

Elections: Most recent: February 2010; next: by 25 April 2015.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 13,000 (2012 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2012 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate. In accordance with the Constitution, the Governor appoints as Chief Minister one of the elected members of the Assembly who, in the judgement of the Governor, is likely to command the support of a majority of the elected members of the Assembly. Other ministers are also appointed by the Governor, in accordance with the advice of the Chief Minister, from among the elected members of the Assembly.

3. The general elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front to the Anguilla United Movement under Hubert B. Hughes.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant court based in Saint Lucia, which comprises a court of appeal and a high court of justice, courts of summary jurisdiction and a magistrates' court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. Discussions with the United Kingdom on a new draft constitution had been expected to begin in 2010. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. According to the administering Power, work on the draft is continuing.

6. According to the administering Power, in line with its white paper entitled *The Overseas Territories: Security, Success and Sustainability*, published in 2012, the Governor has made clear that any decision to sever the constitutional link between the United Kingdom and Anguilla should be on the basis of the clear and constitutionally expressed wish of the people of Anguilla. If the desire for

independence was clearly expressed, the Government of the United Kingdom would meet its obligations to help the Territory to achieve it.

II. Budget

7. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years. In December 2014, the Chief Minister and Minister of Finance presented a budget of EC$ 192.17 million in the House of Assembly for the operation of the Government in 2015. According to the 2015 budget address by the territorial Government in December 2014, the Government of the United Kingdom continued to provide a grant to advance key projects in the Territory, and the third and final tranche of the tenth European Development Fund, received in November 2014, amounted to EC$ 11.74 million.

8. According to the administering Power, there is no income, estate, capital gains, corporation, value added or goods and services tax in Anguilla. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves.

III. Economic conditions

A. General

9. According to August 2014 estimates from the Eastern Caribbean Central Bank provided by the administering Power, the Territory's gross domestic product (GDP) was projected to total some US$ 291 million in 2014 and estimated to be US$ 298 million in 2015.

10. The main industries in Anguilla are tourism, real estate, offshore incorporation and management and banking. Tourism is the main source of economic growth. The economy continues to be affected by the global economy, international oil prices and weather conditions. According to the administering Power, economic recovery remains at the forefront of both Governments' agendas.

B. Tourism

11. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

12. According to information provided by the administering Power, a number of hotel development projects were under way in 2014. According to data by the territorial Government, Anguilla had 151,303 visitor arrivals in 2013 (of which 69,068 were stay-over visitors), a 16.9 per cent increase from 129,391 visitor arrivals in 2012.

C. Financial services

13. International financial services account for some 20 per cent of GDP of Anguilla. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body reporting to the Governor. According to the administering Power, the committee of the Commission, which, as previously reported, had been established to deal with the requirements of the Foreign Account Tax Compliance Act of the United States of America and was chaired by an official of the Government of Anguilla, continued its work in 2014. In October 2014, Anguilla joined the early adopters initiative to commit itself to the early adoption of the Common Reporting Standard, which was the new standard in the automatic exchange of information between tax authorities developed by the Organization for Economic Cooperation and Development.

14. The Eastern Caribbean Central Bank decided in August 2013 to remove the boards of directors and senior management teams of the National Bank of Anguilla and the Caribbean Commercial Bank, appointing a conservator to improve the management of each bank. The banks, which account for three quarters of the assets of the Territory's entire banking system, are licensed by the Minister of Finance and are regulated by the Eastern Caribbean Central Bank. In February 2014, the Eastern Caribbean Central Bank announced that it had extended the period of conservatorship of both banks.

D. Agriculture and fisheries

15. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, according to the administering Power, there has been renewed interest in farming on the island. Young farmers are investing in new and improved methods of vegetable and livestock production. Farmers are reported as supplying the local market outlets with their produce, as well as exporting to neighbouring islands.

16. The territorial Government estimated the total fish catch in 2013 to be about 13,700 lbs, valued at some EC$ 128,500, and from January to November 2014 the total catch was about 24,200 lbs, an estimated value of EC$ 282,400. According to the administering Power, fishing is significant to the livelihoods of many Anguillans, directly employing 250 to 300 people, with many more fishing on a subsistence basis. As previously reported, Anguilla is using less than one quarter of its exclusive fishing zone to the north of the island. In 2013, the administering Power decided to provide assistance to the Government of Anguilla in investigating whether commercial fisheries might be established in the Territory. According to the administering Power, a proposal to conduct studies in the exclusive fishing zone to determine the stock and species abundance had been submitted to the Foreign and Commonwealth Office, and a final decision to commence work is expected to be made early in 2015.

E. Infrastructure

17. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved. According to the administering Power, infrastructure development continues to be low as a result of the recent economic downturn.

18. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten/Saint Martin and Puerto Rico.

F. Transportation, communications and utilities

19. Taxis are the only form of public transport in Anguilla; however, car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

20. As previously reported, a study commissioned by the Government of Anguilla for the integration of renewable energy into the energy profile of the island recommended in October 2012 that the Territory's laws and regulations should be updated in order to enable renewable energy to be interconnected to the electricity grid. That legislation has not yet been enacted, according to the administering Power. The Territory's privately owned utility company is exploring the possibility of investing in a waste-to-energy renewable energy plant.

IV. Social conditions

A. General

21. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. The Department of Social Development offers basic social services to the public. According to information provided by the administering Power, during the period from 1 January to 24 November 2014, 144 persons received public assistance in the form of cash transfers totalling EC$ 881,596. During the same period, 356 persons benefited from medical assistance valued at approximately EC$ 2.2 million. Contributions to needy families in the form of food vouchers totalled EC$ 20,660. According to the administering Power, the use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population, in particular children, depends heavily on the Government to meet its basic needs. It was also noted in the 2015 budget address of the territorial Government in December 2014 that the Department was witnessing a growing trend for assistance with the upkeep of seniors.

22. According to the administering Power, the Ministry of Social Development continues to sensitize stakeholders to the importance of adhering to the inter-agency child abuse reporting protocol to ensure that all agencies responsible for

safeguarding children work collectively to respond to child abuse and neglect, by holding sensitization sessions, organizing workshops for school-age children in collaboration with the United Nations Children's Fund and working towards developing child protection legislation.

B. Education

23. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,700 pupils. The Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers.

24. Anguilla Community College offers, among others, associate degrees and a postgraduate diploma. In 2014, the first students with associate degrees from the Community College graduated. In addition, as from 2013, the Community College offers vocational training courses in electrical installation, automotive repair, plumbing, refrigeration and air conditioning, enabling students to attain internationally recognized qualifications in a number of disciplines.

25. In addition, the Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. In addition, according to the administering Power, a private medical school based in the United States has a campus in the Territory offering the basic sciences to its students (approximately 300), who are mostly from the United States.

26. Citizens from overseas territories benefit from the home student fee rate at British universities. In accordance with the decision in November 2013 by the Council of the European Union on the association of the overseas countries and territories with the European Union, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

C. Public health

27. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

28. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions. The Territory's health sector priorities are set out in the strategic plan for 2009 to 2014 and include the strengthening of primary and secondary health-care services, and, according to the administering Power, the next strategic plan for 2015 to 2020 is under finalization. According to the administering Power, the 2014 budget provided for approximately ECS 16 million for the Health Authority, and more than ECS 1 million was spent on medical treatment overseas from January to November 2014.

D. Crime and public safety

29. According to information provided by the administering Power, Anguilla has a low crime rate compared with other jurisdictions in the region. However, gun-related crime has affected communities in Anguilla, which resulted in some changes in the Anguilla Police Act. In addition, according to the administering Power, law enforcement added a canine unit in its fight against firearm crimes. Other initiatives taken include joint border agency training and operational activities in the fight against organized crime and gang activity, in addition to various community-based activities.

30. The Money-Laundering Reporting Authority is the central body responsible for the receipt, analysis and dissemination of information pertaining to the suspicion of proceeds derived from criminal activities and provides strategic oversight of the financial intelligence function. The Anguilla Financial Intelligence Unit, a dedicated, specialist unit within the Royal Anguilla Police Force, is delegated by the Authority to perform the day-to-day operational functions to carry out a wide variety of financial crime investigations, including money-laundering.

31. The United Kingdom continued its funding of a law enforcement adviser based in Miami, United States, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, in 2014, HMS *Argyll* was in the Caribbean region as part of the Royal Navy Atlantic Patrol Tasking North, which provides a United Kingdom maritime presence and crisis communications in the region all year round. During hurricane season, a Royal Navy ship is on standby to provide humanitarian support to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. During her time in the Caribbean, HMS *Argyll* worked with other regional navies and coastguards to combat illegal activities on the high seas.

E. Human rights

32. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. In March 2014, the Government of Anguilla requested the extension of the ratification by the United Kingdom of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory.

V. Environment

33. According to information provided by the administering Power, Anguilla faces a decline in marine ecosystem health and integrity, given that some 90 per cent of

near-shore hard corals have been lost in the past two decades. A 50 per cent decline in seagrass bed cover has been recorded, along with a 60 per cent decline in near-shore coral reef fish populations.

34. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues, which continued to focus in 2014 on in situ research concerning coral reefs and coastal communities to help to determine how climate change affects reefs in Anguilla.

35. The United Kingdom Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser, the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas),[1] Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands. As an example of the administering Power actively providing technical advice and building capacity in relation to the extension of multilateral environment agreements where requested to do so by the territorial Governments, the Department for Environment, Food and Rural Affairs carried out work to ensure that the relevant conditions were met for the United Kingdom to extend its ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora to Anguilla in February 2014.

VI. Relations with international organizations and partners

36. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

37. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

38. Anguilla is an associate member of the Organization of Eastern Caribbean States and a member of the Eastern Caribbean Central Bank.

39. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, which, according to the administering Power, was

[1] A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world.

40. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

41. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

42. On 10 October 2014, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-ninth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to determine whether to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

43. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper.

44. At the third meeting of the Overseas Territories Joint Ministerial Council, held in London on 2 and 3 December 2014, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> The peoples of all the Territories have the right of self-determination. For those Territories with permanent populations who wish it, the United Kingdom will continue to support requests for the removal of the Territory from the United Nations list of Non-Self-Governing Territories. Territory Governments are politically accountable to their legislatures for the exercise of devolved areas of policy. We will continue to work together to develop governmental and democratic institutions so that Territories have the greatest self-government possible, compatible with the United Kingdom's obligations in respect of its sovereign responsibilities.

VIII. Action taken by the General Assembly

45. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014 (A/69/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 69/105 B concerns Anguilla. In that section, the Assembly:

(a) Welcomed the preparations made for a new constitution, and urged that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

(b) Requested the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

(c) Stressed the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, called upon the administering Power to facilitate such a mission, if the territorial Government so desired, and requested the Chair of the Special Committee to take all the necessary steps to that end;

(d) Requested the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(e) Called upon the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.